

Appl. No. : 09/840,548
Filed : April 23, 2001

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Claim Rejections Under 35 U.S.C. Sections 102(b) and 103(a)

In the Office Action, the Examiner rejected Claims 1, 2, 4, 5, 9, 10, 13, 14, 17, 25, and 29-33 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5892591, to Anglin, Jr. et al. Claims 3, 6-8, 11, 15, 16, 18-24, 26-28 and 34-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Anglin in view of U.S. Patent No. 6,046,824, to Barak.

Applicant respectfully disagrees with these rejections in view of the claims, as amended. Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits that at least one limitation is not taught or suggest by each of the above-listed claims.

Claims 1, 13, 17, 21, 25, 29, and 34

In one embodiment, a fax may be transmitted to a local server for retransmission over the Internet to a remote server. The remote server may then forward the fax to a remote fax machine, which is the intended destination. In one embodiment, when the fax is transmitted to the local server, it is determined whether long distance would be incurred when the fax is transmitted from the remote server to the remote fax machine. For example, in one embodiment, the user is informed long distant charges may apply and input is received from the user to determine if the user authorizes the charges. *See* Application, p. 6, lines 8-15.

Independent Claim 1, as amended recites: "receiving the fax via a public switched telephone network from a source location; [and] determining whether the source location authorizes incurring long-distance charges." Independent Claims 13, 17, 21, 25, 29 34 and 38

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include similar types of limitations. Applicant respectfully submits that at least these limitations are not taught or suggest by the cited art.

Anglin generally describes a method of transmitting a fax from one remote computer to another remote computer via an network. *See* Figure 3. However, Anglin wholly fails to teach or suggest determining whether a user of the originating fax machine (3100) allows for long distance charges to be incurred when the fax is transmitted from the remote computer (4100) to the destination facsimile (5100). In fact, Anglin only discloses the usage of local telephone lines. *See e.g.* col. 5, lines 22-25.

Furthermore, Applicant respectfully submits that at least these limitations are also not taught or suggest by Barak. Barak was generally relied upon in the Office Action for teaching how to determine the availability of a facsimile machine to receive data.

Since the cited references fail to teach in isolation or in combination at least the above-limitations, Applicant respectfully submits that these Claims are in condition for allowance.

Claims 2-11, 14-16, 18-20, 22-24, 26-28, 30-33, 23-37, and 39

Since Claims 2-11, 14-16, 18-20, 22-24, 26-28, 30-33, 23-37, and 39 each depend on one of Claims 1, 13, 17, 21, 25, 29, 34, and 38, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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